

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PRASAD CHALASANI,

Plaintiff,

MEMORANDUM & ORDER
22-CV-00794 (EK) (LB)

-against-

MARYELLEN ELIA, COMMISSIONER OF
EDUCATION STATE OF NEW YORK, NEW YORK
STATE BOARD OF REGENTS, AND STATE
EDUCATION DEPARTMENT COMMITTEE ON THE
PROFESSIONS, et al.,

Defendants.

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ERIC KOMITEE, United States District Judge:

Judge Bloom issued a report and recommendation ("R&R") recommending, for a variety of reasons, that I grant the defendants' motion to dismiss Prasad Chalasani's complaint.¹ ECF No. 27. I adopt the recommendations that Chalasani's Section 1983 due process claims be dismissed because they are time-barred and fail adequately to allege insufficient process. Chalasani's objections to these conclusions are without merit for the reasons Judge Bloom sets forth. Having so concluded, I

¹ The defendants are the former Commissioner of the New York State Education Department Education, MaryEllen Elia; the former Commissioner of the New York State Department of Health, Mary T. Bassett; the former DOH Commissioner, Howard Zucker; the former Director of the Office of Professional Medical Conduct, Keith Servis; and Governor Kathy Hochul. They are named in their personal and official capacities.

do not reach the recommended alternative grounds for dismissal of the due process claims.

The Freedom of Information Act and Privacy Act of 1974 claims, too, are dismissed, for the reasons stated in the R&R.

The R&R's *Rooker-Feldman* recommendation need not be addressed before the merits. See *Butcher v. Wendt*, 975 F.3d 236, 244 (2d Cir. 2020). The same is true for sufficiency of service, *United States v. Vazquez*, 145 F.3d 74, 80 n.3 (2d Cir. 1998), and for Eleventh Amendment immunity. *Springfield Hosp., Inc. v. Guzman*, 28 F.4th 403, 417 n.18 (2d Cir. 2022).

Accordingly, the R&R is adopted in part. The defendants' motion to dismiss for failure to state a claim is granted. Leave to amend is denied, for the reasons stated in the R&R. The Clerk of Court is respectfully directed to enter judgment for the defendants and close this case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: December 7, 2023
Brooklyn, New York